

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2014-009229

05/05/2015

HONORABLE J. RICHARD GAMA

CLERK OF THE COURT
M. Corriveau
Deputy

HERITAGE VILLAGE I I HOMEOWNERS
ASSOCIATION

SHELTON L FREEMAN

v.

RICHARD WEINBERG, et al.

J ROGER WOOD

MINUTE ENTRY

The Court received and considered the parties' briefing on Defendants' Motion for Stay of Judgment and Court's Injunctive Relief and Defendants' Motion to Stay Attorneys' Fee Application Process. The parties have not requested oral argument.

Motion for Stay of Judgment and Court's Injunctive Relief. The Court denies Defendants motion. There is currently no effective appeal pending in this matter. As a consequence, this motion is moot.

Motion to Stay Attorneys' Fee Application Process. The Court denies Defendants motion. There has been no good reason or cause advanced by Defendants why this process should not expeditiously proceed. As a consequence, Defendant shall file a response to Plaintiff's Application for Attorneys' Fees and Costs by **May 28, 2015**.

The Court also herein addresses the status of briefing regarding what remedial measures are necessary to bring Lot 36 into compliance with the applicable CC&R'S. The parties' were unable to reach an amicable resolution on this issue. Plaintiffs briefing to the Court included

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specific alternatives. However, the Court finds Defendants responsive briefing to be inadequate. The brief simply objects to Plaintiff's remedial measures as being unacceptable. Defendants fail to address with the Court what remedial measures they deem reasonable. As a consequence the Court will grant leave to Defendants to submit a supplemental briefing by **May 25, 2015**, if they choose to have one considered by this Court.

IT IS ORDERED denying Defendants' Motion for Stay of Judgment and Court's Injunctive Relief;

IT IS FURTHER ORDERED denying Defendants' Motion to Stay Attorneys' Fee Application Process. Defendants shall file a formal response to Plaintiff's Application For Attorneys' Fees and Costs by **May 28, 2015**;

IT IS FURTHER ORDERED granting Defendants leave to file a supplemental brief regarding what remedial measures it deems appropriate under these circumstances. Defendants' are granted until **May 25, 2015** to file a supplemental brief if they desire to do so.